

AMBER FAULKNER, )  
)  
Plaintiffs, )  
)  
v. ) CAUSE NO. 3:11-cv-174 RL  
)  
)  
NORTHERN INDIANA COMMUTER )  
TRANSPORTATION DISTRICT, )  
)  
Defendant. )

On April 25, 2011, this matter was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) to conduct hearings, including evidentiary hearings, and submit proposed findings of fact and recommendations for the disposition of Plaintiffs' complaint. On August 18, 2011, the Court granted a motion to dismiss all parties except Northern Indiana Commuter Transportation District. The Court then issued an order for Plaintiff to file a status report for the purposes of setting discovery deadlines. When Plaintiff failed to respond, the Court issued an order to show cause why the case should not be dismissed for failure to prosecute. As of this date, Plaintiffs have still not responded to this Court's initial order or the order to show cause, despite this Court's warning pursuant to *Timms v. Frank*, 953 F.2d 281, 285-86 (7th Cir. 1992) and *Lewis v. Faulkner*, 689 F.2d 100 (7th Cir. 1982), that failure to do so may result in a dismissal of their case.

Under Fed. R. Civ. P. 41, a plaintiff's case may be dismissed for his failure to prosecute his claim or to comply with court orders. Plaintiffs have failed to comply with two court orders, and has provided no written documentation explaining their inaction. This Court can only

assume that Plaintiffs have abandoned their case. Consequently, for the aforementioned reasons, this Court **RECOMMENDS** that Plaintiffs' case be **DISMISSED WITHOUT PREJUDICE**.

**NOTICE IS HEREBY GIVEN that within ten (10) days after being served with a copy of this recommended disposition a party may serve and file specific, written objections to the proposed findings and/or recommendations. Fed.R.Civ.P. 72(b). FAILURE TO FILE OBJECTIONS WITHIN THE SPECIFIED TIME WAIVES THE RIGHT TO APPEAL THE DISTRICT COURT'S ORDER.**

**SO ORDERED.**

Dated this 10th day of February, 2012.

S/Christopher A. Nuechterlein  
Christopher A. Nuechterlein  
United States Magistrate Judge

cc: Amber Faulkner  
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